

House File 129 - Introduced

HOUSE FILE 129

BY HUNTER

A BILL FOR

1 An Act relating to campaign finance by establishing a
2 voter-owned Iowa clean elections Act, providing for funding
3 of the Act, including an income tax checkoff, and providing
4 an income tax exemption, penalties, and including effective
5 date provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.603, Code 2011, is amended to read
2 as follows:

3 **68A.603 Rules promulgated.**

4 The ethics and campaign disclosure board shall administer
5 the provisions of sections 68A.601 ~~through 68A.609~~, 68A.602,
6 and 68A.604 through 68A.610 and shall promulgate all necessary
7 rules in accordance with chapter 17A.

8 Sec. 2. NEW SECTION. **68A.610 Checkoff — income tax —**
9 **voter-owned Iowa clean elections.**

10 A person whose state income tax liability for any taxable
11 year is five dollars or more may direct that five dollars
12 of that liability be paid over to the voter-owned Iowa
13 clean elections fund, as established in section 68A.823,
14 when submitting the person's state income tax return to the
15 department of revenue. In the case of a joint return of
16 husband and wife having a state income tax liability of ten
17 dollars or more, each spouse may direct that five dollars
18 be paid to the fund. The director of revenue shall provide
19 space for the voter-owned Iowa clean elections fund income
20 tax checkoff on the income tax form. An explanation shall
21 be included which clearly states that this checkoff does not
22 constitute an additional tax liability. The action taken by a
23 person for the checkoff is irrevocable.

24 Sec. 3. NEW SECTION. **68A.801 Definitions.**

25 For the purposes of this subchapter:

26 1. "*Allowable contribution*" means a qualifying contribution
27 or a seed money contribution.

28 2. "*Board*" means the Iowa ethics and campaign disclosure
29 board established under section 68B.32.

30 3. "*Clean election campaign qualifying period*" means the
31 period during which candidates are permitted to collect
32 qualifying contributions in order to qualify for clean election
33 campaign funding. The period begins ninety days before the
34 beginning of the primary election campaign period and ends
35 thirty days before the beginning of the primary election

1 campaign period.

2 4. "*Coordination*" means a payment made for a communication
3 or anything of value that is for the purpose of influencing the
4 outcome of an election and that is made by a person according
5 to at least one of the following:

6 a. In cooperation, consultation, or concert with, at
7 the request or suggestion of, or pursuant to, a particular
8 understanding with a candidate, a candidate's committee, or an
9 agent acting on behalf of a candidate or candidate's committee.

10 b. For the dissemination, distribution, or republication,
11 in whole or in part, of any broadcast or any written, graphic,
12 or other form of campaign material prepared by a candidate,
13 a candidate's committee, or an agent of a candidate or
14 candidate's committee.

15 c. Based on specific information about the candidate's
16 plans, projects, or needs provided to the person making the
17 payment by the candidate or the candidate's agent who provides
18 the information with a view toward having the payment made.

19 d. If, in the same election cycle in which the payment is
20 made, the person making the payment is serving or has served as
21 a member, employee, fund-raiser, or agent of the candidate or
22 candidate's committee in an executive or policymaking position.

23 e. If the person making the payment has served in any formal
24 policy or advisory position with the candidate's campaign or
25 has participated in strategic or policymaking discussions with
26 the candidate's campaign relating to the candidate's pursuit of
27 nomination for election, or election, to office, in the same
28 election cycle as the election cycle in which the payment is
29 made.

30 f. If the person making the payment retains the professional
31 services of an individual or person who, in a nonministerial
32 capacity, has provided or is providing campaign-related
33 services in the same election cycle to a candidate who
34 is pursuing the same nomination or election as any of the
35 candidates to whom the communication refers. For purposes

1 of this section, "*professional services*" includes services in
2 support of a candidate's pursuit of nomination for election or
3 election to office such as polling, media advice, direct mail,
4 fund-raising, or campaign research services.

5 5. "*Electioneering communication*" means any communication
6 that refers to a clearly identified candidate for elected
7 public office, if the communication has the effect of
8 encouraging or discouraging a vote for the candidate,
9 regardless of whether the communication expressly advocates a
10 vote for or against the candidate.

11 6. "*Excess expenditure amount*" means the amount of
12 money spent or obligated to be spent by a nonparticipating
13 candidate in excess of the clean money amount available to a
14 participating candidate running for the same office.

15 7. "*Express advocacy*" means the same as defined in section
16 68A.102.

17 8. "*General election campaign period*" means the period
18 beginning the day after the primary election and ending on the
19 day of the general election.

20 9. "*Independent candidate*" means a candidate who does not
21 represent a political party as defined by section 43.2.

22 10. "*Independent expenditure*" means an expenditure made
23 by a person or group of persons other than a candidate or
24 candidate's committee that meets both of the following
25 conditions:

26 a. The expenditure is made for a communication that contains
27 express advocacy.

28 b. The expenditure is made without the participation or
29 cooperation of and without coordination with a candidate or a
30 candidate's committee.

31 11. "*Nonparticipating candidate*" means a candidate who is
32 on the ballot but has chosen not to apply for clean election
33 campaign funding or a candidate who is on the ballot and
34 has applied for but has not satisfied the requirements for
35 receiving clean election campaign funding.

1 12. "*Participating candidate*" means a candidate who
2 qualifies for clean election campaign funding. Such candidates
3 are eligible to receive clean election campaign funding during
4 primary or general election campaign periods.

5 13. "*Party candidate*" means a candidate who represents a
6 political party as defined by section 43.2.

7 14. "*Primary election campaign period*" means the period
8 beginning ninety days before the primary election and ending on
9 the day of the primary election.

10 15. "*Qualifying contribution*" means a contribution of five
11 dollars that is received during the designated clean election
12 campaign qualifying period by a candidate seeking to become
13 eligible for clean election campaign funding and that is
14 acknowledged by a written receipt identifying the contributor.
15 However, if the annual median household income of a legislative
16 district is at or below one hundred percent of the most recent
17 federal poverty guideline based on United States census bureau
18 data, the qualifying contribution is one dollar.

19 16. "*Seed money contribution*" means a contribution of no
20 more than one hundred dollars made by an individual adult
21 during the seed money period, but specifically excludes all of
22 the following:

23 a. Payments by a membership organization for the costs of
24 communications to its members.

25 b. Payments by a membership organization for the purpose of
26 facilitating the making of qualifying contributions.

27 c. The cash value of volunteer activity, including the
28 payment of incidental expenses of volunteers.

29 17. "*Seed money period*" means the period beginning the
30 day following the previous general election for that office
31 and ending on the last day of the clean election campaign
32 qualifying period. The "*seed money period*" is the exploratory
33 period during which candidates who wish to become eligible
34 for clean election campaign funding for the next elections
35 are permitted to raise and spend a limited amount of private

1 seed money, from contributions of up to one hundred dollars
2 per individual, for the purpose of determining whether to
3 become a candidate and fulfilling the clean election campaign
4 eligibility requirements.

5 Sec. 4. NEW SECTION. **68A.802 Eligibility for party**
6 **candidates.**

7 1. A party candidate qualifies as a participating candidate
8 for the primary election campaign period if the candidate does
9 both of the following:

10 a. The candidate files a declaration with the board that
11 the candidate has complied and will comply with all of the
12 requirements of this subchapter, including the requirement
13 that during the seed money period and the clean election
14 campaign qualifying period the candidate not accept or
15 spend private contributions from any source other than seed
16 money contributions and clean election campaign qualifying
17 contributions, unless the provisions of section 68A.804 apply.

18 b. The candidate meets both of the following qualifying
19 contribution requirements before the close of the clean
20 election campaign qualifying period:

21 (1) A party candidate must collect both qualifying
22 contributions and signatures as follows:

23 (a) For the office of governor, from five hundred eligible
24 electors in each congressional district.

25 (b) For statewide office other than governor, from two
26 hundred fifty eligible electors in each congressional district.

27 (c) For the Iowa senate, from two hundred eligible electors
28 in the senate candidate's electoral district.

29 (d) For the Iowa house of representatives, from one hundred
30 eligible electors in the house candidate's electoral district.

31 (2) Each qualifying contribution must meet all requirements
32 of this section.

33 2. Contributors shall be eligible electors who reside
34 within the candidate's electoral district and who are therefore
35 eligible to vote for that candidate.

1 3. Qualifying contributions shall be:

2 a. Made in cash, check, money order, or credit or debit
3 card.

4 b. Gathered by the candidate personally or by volunteers who
5 do not receive compensation.

6 c. Acknowledged by a receipt to the contributor, with
7 a copy to be kept by the candidate and a third copy to be
8 submitted to the board. The receipt shall include a signed
9 statement that the contributor understands that the purpose of
10 the contribution is to help the candidate qualify for clean
11 election campaign funding and that the contribution is made
12 without coercion or reimbursement. The receipt shall include
13 the contributor's signature, printed name, home address, and
14 telephone number, and the name of the candidate on whose behalf
15 the contribution is made.

16 d. Paid over to the board for deposit in the voter-owned
17 Iowa clean elections fund established under section 68A.823,
18 with the signed and completed receipt, according to a schedule
19 and procedure to be determined by the board. A contribution
20 submitted as a qualifying contribution that does not include
21 the signed and completed receipt shall not be counted as a
22 qualifying contribution.

23 4. A party candidate qualifies as a participating candidate
24 for the general election campaign period when the candidate
25 does both of the following:

26 a. The candidate has met all of the applicable requirements
27 of this subchapter and filed a declaration with the board
28 that the candidate has fulfilled and will fulfill all of the
29 requirements of a participating candidate as stated in this
30 subchapter.

31 b. As a participating candidate during the primary election
32 campaign period, the candidate had the highest number of votes
33 of the candidates contesting the primary election from the
34 candidate's respective party and won the party's nomination.

35 Sec. 5. NEW SECTION. 68A.803 Eligibility for independent

1 **candidates.**

2 1. An independent candidate qualifies as a participating
3 candidate for the primary election campaign period if the
4 candidate does both of the following:

5 a. The candidate files a declaration with the board that
6 the candidate has complied and will comply with all of the
7 requirements of this subchapter, including the requirement
8 that during the seed money period and the clean election
9 campaign qualifying period the candidate not accept or
10 spend private contributions from any source other than seed
11 money contributions and clean election campaign qualifying
12 contributions, unless the provisions of section 68A.804 apply.

13 b. The candidate meets the following qualifying contribution
14 requirements before the close of the clean election campaign
15 qualifying period:

16 (1) An independent candidate shall collect the same number
17 of qualifying contributions as required of a party candidate
18 for the same office under section 68A.802.

19 (2) Each qualifying contribution must meet all requirements
20 of this section.

21 2. Contributors shall be registered voters who reside
22 within the candidate's electoral district and who are therefore
23 eligible to vote for that candidate.

24 3. Qualifying contributions shall be:

25 a. Made in cash, check, money order, or credit or debit
26 card.

27 b. Gathered by the candidate personally or by volunteers who
28 do not receive compensation.

29 c. Acknowledged by a receipt to the contributor, with
30 a copy to be kept by the candidate and a third copy to be
31 submitted to the board. The receipt shall include a signed
32 statement that the contributor understands that the purpose of
33 the contribution is to help the candidate qualify for clean
34 election campaign funding and that the contribution is made
35 without coercion or reimbursement. The receipt shall include

1 the contributor's signature, printed name, home address, and
2 telephone number, and the name of the candidate on whose behalf
3 the contribution is made.

4 *d.* Paid over to the board for deposit in the voter-owned
5 Iowa clean elections fund established under section 68A.823,
6 with the signed and completed receipt, according to a schedule
7 and procedure to be determined by the board. A contribution
8 submitted as a qualifying contribution that does not include
9 the signed and completed receipt shall not be counted as a
10 qualifying contribution.

11 4. An independent candidate qualifies as a participating
12 candidate for the general election campaign period when the
13 candidate does both of the following:

14 *a.* If, prior to the primary election, the candidate has met
15 all of the applicable requirements of this subchapter and filed
16 a declaration with the board that the candidate has fulfilled
17 and will fulfill all of the requirements of a participating
18 candidate as stated in this subchapter.

19 *b.* If, during the primary election campaign period, the
20 candidate has fulfilled all the requirements of a participating
21 candidate as stated in this subchapter.

22 **Sec. 6. NEW SECTION. 68A.804 Transition rule for current**
23 **election cycle.**

24 During the election cycle in effect on the date of enactment
25 of this Act, a candidate may be certified as a participating
26 candidate, notwithstanding the acceptance of contributions
27 or making of expenditures from private funds before the date
28 of enactment of this Act that would, absent this section,
29 disqualify the candidate as a participating candidate, provided
30 that any private funds accepted but not expended before the
31 date of enactment of this Act shall either be returned to
32 the contributor or submitted to the board for deposit in the
33 voter-owned Iowa clean elections fund established under section
34 68A.823.

35 **Sec. 7. NEW SECTION. 68A.805 Continuing obligation to**

1 **comply.**

2 A participating candidate who accepts any benefits under
3 section 68A.813 during the primary election campaign period
4 shall comply with all the requirements of this subchapter
5 through any remaining time during the primary election campaign
6 period as well as through the general election campaign period
7 whether or not the candidate continues to accept benefits.

8 **Sec. 8. NEW SECTION. 68A.806 Contributions and**
9 **expenditures.**

10 1. During the primary and general election campaign
11 periods, a participating candidate who has voluntarily agreed
12 to participate in clean election campaign financing shall not
13 accept private contributions from any source other than the
14 candidate's political party as specified in section 68A.808.

15 2. A person shall not make a contribution in violation
16 of section 68A.502. A participating candidate who receives
17 a qualifying contribution or a seed money contribution that
18 is not from the person listed on the receipt as required by
19 this subchapter shall pay to the board for deposit in the
20 voter-owned Iowa clean elections fund established under section
21 68A.823 the entire amount of such contribution.

22 3. The board shall issue each participating candidate a
23 card known as the "clean election campaign debit card", and a
24 line of debit entitling the candidate to draw clean election
25 campaign funds to pay for all campaign costs and expenses
26 up to the amount of funding the candidate has received. A
27 participating candidate shall not pay campaign costs by cash,
28 check, money order, loan, or by any other financial means
29 other than the clean election campaign debit card. During the
30 primary and general election campaign periods, a participating
31 candidate shall pay by means of the board's clean election
32 campaign debit card.

33 4. Eligible candidates shall furnish complete campaign
34 records, including all records of seed money contributions and
35 qualifying contributions, to the board at regular filing times,

1 or on request by the board. Candidates shall cooperate with
2 any audit or examination conducted or ordered by the board.

3 Sec. 9. NEW SECTION. **68A.807 Nonparticipating candidates**
4 **— contribution limits.**

5 Nonparticipating candidates shall be subject to the
6 following contribution limits:

7 1. Candidates for statewide office:

8 a. One thousand dollars in the aggregate per individual
9 contribution.

10 b. Five thousand dollars in the aggregate per political
11 committee contribution.

12 2. Candidates for the Iowa senate and house of
13 representatives:

14 a. Five hundred dollars in the aggregate per individual
15 contribution.

16 b. One thousand dollars in the aggregate per political
17 committee contribution.

18 Sec. 10. NEW SECTION. **68A.808 Political party contributions**
19 **and expenditures.**

20 1. Participating candidates may accept monetary or in-kind
21 contributions from political parties provided that the
22 aggregate amount of such contributions from all political party
23 committees combined does not exceed the equivalent of five
24 percent of the clean election campaign financing amount for
25 that office.

26 2. In-kind contributions made during a general election
27 campaign period on behalf of a group of the party's candidates
28 shall not be considered a prohibited party contribution or
29 count against the five percent limit established in subsection
30 1 if such group includes at least fifty-one percent of the
31 candidates whose names will appear on the general election
32 ballot in the political subdivision represented by the party
33 committee making such in-kind contributions.

34 3. Contributions made to, and expenditures made by,
35 political parties during primary and general campaign

1 periods shall be reported to the board on the same basis as
2 contributions and expenditures made to or by candidates.

3 4. This section and this subchapter shall not prevent
4 political party funds from being used for any of the following:

5 a. General operating expenses of the party.

6 b. Conventions.

7 c. Nominating and endorsing candidates.

8 d. Identifying, researching, and developing the party's
9 positions on issues.

10 e. Party platform activities.

11 f. Noncandidate-specific voter registration.

12 g. Noncandidate-specific get-out-the-vote drives.

13 h. Travel expenses for noncandidate party leaders and staff.

14 i. Other noncandidate-specific party-building activities,
15 as defined by rule of the board.

16 j. Employing a staff person to provide election services to
17 two or more candidates.

18 Sec. 11. NEW SECTION. 68A.809 Use of personal funds.

19 1. Personal funds contributed as seed money by a candidate
20 seeking to become eligible as a participating candidate or by
21 the candidate's spouse shall not exceed one hundred dollars per
22 contributor.

23 2. Personal funds shall not be used to meet the qualifying
24 contribution requirement except for one five-dollar
25 contribution from the candidate and one five-dollar
26 contribution from the candidate's spouse.

27 Sec. 12. NEW SECTION. 68A.810 Seed money.

28 1. The only private contributions a candidate seeking
29 to become eligible for clean election campaign funding shall
30 accept, other than qualifying contributions, are seed money
31 contributions contributed by individual adults prior to the end
32 of the clean election campaign qualifying period.

33 2. A seed money contribution shall not exceed one hundred
34 dollars, and the aggregate amount of seed money contributions
35 accepted by a candidate seeking to become eligible for clean

1 election campaign funding shall not exceed the relevant limit,
2 as follows:

3 *a.* Twenty-five thousand dollars for a candidate team running
4 for governor and lieutenant governor.

5 *b.* Fifteen thousand dollars for a candidate running for
6 statewide office other than governor or lieutenant governor.

7 *c.* Two thousand dollars for a candidate running for the Iowa
8 senate.

9 *d.* One thousand dollars for a candidate running for the Iowa
10 house of representatives.

11 3. Receipts for seed money contributions shall include
12 the contributor's signature, printed name, street address and
13 zip code, telephone number, occupation, and name of employer.
14 Contributions shall not be accepted if the required disclosure
15 information is not received.

16 4. Seed money shall be spent only during the clean election
17 campaign qualifying period. Seed money shall not be spent
18 during the primary or general election campaign periods.

19 5. Within forty-eight hours after the close of the clean
20 election campaign qualifying period, candidates seeking to
21 become eligible for clean election campaign funding shall do
22 both of the following:

23 *a.* Fully disclose all seed money contributions and
24 expenditures to the board.

25 *b.* Pay over to the board for deposit in the voter-owned
26 Iowa clean elections fund any seed money the candidate has
27 raised during the designated seed money period that exceeds the
28 aggregate seed money limit.

29 Sec. 13. NEW SECTION. **68A.811 Participation in debates.**

30 1. Participating candidates in contested races shall
31 participate in all of the following:

32 *a.* For the offices of governor and lieutenant governor:

33 (1) One one-hour debate during a contested primary
34 election.

35 (2) Two one-hour debates during a contested general

1 election.

2 *b.* For all other offices:

3 (1) One one-hour debate during a contested primary
4 election.

5 (2) One one-hour debate during a contested general
6 election.

7 2. Nonparticipating candidates for the same office whose
8 names will appear on the ballot shall be invited to join the
9 debates.

10 Sec. 14. NEW SECTION. **68A.812 Certification.**

11 1. No more than five days after a candidate applies for
12 clean election campaign funding benefits, the board shall
13 certify that the candidate is or is not eligible to receive
14 clean election campaign funds.

15 2. Eligibility can be revoked if the candidate violates
16 the requirements of this subchapter, in which case all clean
17 election campaign funds shall be repaid.

18 3. The candidate's request for certification shall be
19 signed by the candidate and the treasurer of the candidate's
20 committee, both under penalty of perjury.

21 4. The board's determination is final except that it is
22 subject to examination and audit by an outside agency according
23 to rule and to prompt judicial review according to rule and
24 chapter 17A.

25 Sec. 15. NEW SECTION. **68A.813 Benefits provided to
26 candidates eligible to receive clean election campaign funding.**

27 1. Candidates who qualify for clean election campaign
28 funding for primary and general elections shall receive all of
29 the following:

30 *a.* Clean election campaign funding from the board for each
31 election, the amount of which is specified in section 68A.815.
32 This funding may be used to finance any and all campaign
33 expenses during the particular campaign period for which it was
34 received.

35 *b.* Additional clean election campaign funding to match

1 any excess expenditure amount spent by a nonparticipating
2 candidate, as specified in section 68A.817.

3 *c.* Additional clean election campaign funding to match any
4 independent expenditure made in opposition to their candidacies
5 or on behalf of their opponents' candidacies, as specified in
6 section 68A.819.

7 *d.* Additional clean election campaign funding to match
8 any electioneering communication expenditure, as specified in
9 section 68A.820.

10 2. The maximum aggregate amount of additional funding,
11 above the initial allocation as determined in section
12 68A.815 that a participating candidate shall receive to
13 match independent expenditures, the excess expenditures of
14 nonparticipating candidates, and electioneering communication
15 expenditures shall be two hundred percent of the full amount of
16 clean election campaign funding allocated to a participating
17 candidate for a particular primary or general election campaign
18 period.

19 **Sec. 16. NEW SECTION. 68A.814 Schedule of clean election**
20 **campaign funding payments.**

21 1. An eligible candidate shall receive clean election
22 campaign funding for the primary election campaign period
23 on the date on which the board certifies the candidate as a
24 participating candidate. This certification shall take place
25 no later than five days after the candidate has submitted the
26 required number of qualifying contributions and a declaration
27 stating that the candidate has complied with all other
28 requirements for eligibility as a participating candidate, but
29 no earlier than the beginning of the primary election campaign
30 period.

31 2. An eligible candidate shall receive clean election
32 campaign funding for the general election campaign period
33 within forty-eight hours after certification of the primary
34 election results.

35 **Sec. 17. NEW SECTION. 68A.815 Determination of clean**

1 **election campaign funding amounts.**

2 1. *a.* For party candidates, the amount of clean election
3 campaign funding for a contested primary election is as
4 follows:

5 (1) Seven hundred fifty thousand dollars for a candidate
6 team running for governor and lieutenant governor.

7 (2) Seventy-five thousand dollars for a candidate for
8 statewide office other than governor and lieutenant governor.

9 (3) Twenty-two thousand five hundred dollars for a
10 candidate running for the Iowa senate.

11 (4) Fifteen thousand dollars for a candidate running for the
12 Iowa house of representatives.

13 *b.* The clean election campaign funding amount for an
14 eligible party candidate in an uncontested primary election
15 is twenty-five percent of the amount provided in a contested
16 primary election.

17 *c.* In a contested general election, if an eligible party
18 candidate or all of the candidates of the candidate's party
19 combined received at least twenty percent of the total number
20 of votes cast for all candidates seeking that office in
21 the most recent primary election or in the previous general
22 election, the candidate shall receive the full amount of clean
23 election campaign funding for the general election, as follows:

24 (1) Three million dollars for a candidate team running for
25 governor and lieutenant governor.

26 (2) Two hundred thousand dollars for a candidate for
27 statewide office other than governor and lieutenant governor.

28 (3) Forty thousand dollars for a candidate running for the
29 Iowa senate.

30 (4) Thirty thousand dollars for a candidate running for the
31 Iowa house of representatives.

32 *d.* The clean election campaign funding amount for an
33 eligible party candidate in an uncontested general election
34 is ten percent of the amount provided in a contested general
35 election for the same office.

1 2. *a.* For eligible independent candidates, the clean
2 election campaign funding amount for the primary election
3 campaign period is twenty-five percent of the amount of clean
4 election campaign funding received by a party candidate in a
5 contested primary election for the same office.

6 *b.* The clean election campaign funding amount for an
7 eligible independent candidate in the general election is the
8 same as the full amount received by a party candidate in the
9 general election for the same office.

10 *c.* After the first cycle of clean election campaign
11 financing elections, the board shall modify all clean election
12 campaign funding amounts based on the percentage increase in
13 the consumer price index, for all urban consumers, United
14 States city average, as published in the federal register
15 by the United States department of labor, bureau of labor
16 statistics, that reflects the percentage increase in the
17 consumer price index for the twelve-month period ending
18 December 31 of the previous year.

19 Sec. 18. NEW SECTION. **68A.816 Expenditures made with clean**
20 **election campaign funds.**

21 1. The clean election campaign funding received by a
22 participating candidate shall be used only for the purpose of
23 defraying that candidate's campaign-related expenses during
24 the particular election campaign period for which the clean
25 election campaign funding was received.

26 2. Payments shall not be used for the following:

27 *a.* Payments that are in violation of the law.

28 *b.* Payments that repay any personal, family, or business
29 loans, expenditures, or debts.

30 Sec. 19. NEW SECTION. **68A.817 Disclosure of excess spending**
31 **by nonparticipating candidates.**

32 1. If a nonparticipating candidate's total expenditures
33 exceed the amount of clean election campaign funding allocated
34 to the candidate's clean election campaign opponent, the
35 candidate shall declare to the board within forty-eight hours

1 every excess expenditure amount that, in the aggregate, is more
2 than one thousand dollars.

3 2. During the last twenty days before the end of the
4 relevant campaign period, a nonparticipating candidate shall
5 declare to the board each excess expenditure amount over
6 five hundred dollars within twenty-four hours of when the
7 expenditure is made or obligated to be made.

8 3. The board may make its own determination as to whether
9 excess expenditures have been made by nonparticipating
10 candidates.

11 4. Upon receiving an excess expenditure declaration, the
12 board shall immediately release additional clean election
13 campaign funding to the opposing participating candidate
14 or candidates equal to the excess expenditure amount the
15 nonparticipating candidate has spent or intends to spend,
16 subject to the limit set forth in section 68A.813.

17 Sec. 20. NEW SECTION. **68A.818 Campaign advertisements.**

18 All broadcast and print advertisements placed by candidates
19 or candidate's committees shall include a clear written or
20 spoken statement indicating that the candidate has approved of
21 the contents of the advertisement.

22 Sec. 21. NEW SECTION. **68A.819 Disclosure of independent
23 expenditures — additional clean election campaign funding.**

24 1. Any person or group of persons who makes or obligates
25 to make an independent expenditure during a primary or general
26 election campaign period which, in the aggregate, exceeds one
27 thousand dollars, shall report each expenditure within forty-
28 eight hours to the board.

29 2. The report to the board shall include a statement,
30 under penalty of perjury, by the person or persons making the
31 independent expenditure identifying the candidate whom the
32 independent expenditure is intended to help elect or defeat
33 and affirming that the expenditure is totally independent and
34 involves no coordination with a candidate or a political party.

35 a. An individual or organization may file a complaint with

1 the board if the candidate or the organization believes that
2 the statement according to this subsection is false.

3 *b.* A hearing on a complaint under this subsection shall be
4 held within three business days of filing and a decision issued
5 within seven days of filing.

6 3. Any person or group of persons who makes or obligates
7 to make an independent expenditure during the last twenty days
8 before the end of the relevant campaign period which, in the
9 aggregate, exceeds five hundred dollars, shall report each
10 expenditure within twenty-four hours to the board.

11 4. Upon receiving a report that an independent expenditure
12 has been made or obligated to be made, the board shall
13 immediately release additional clean election campaign funding,
14 equal in amount to the cost of the independent expenditure, to
15 all participating candidates whom the independent expenditure
16 is intended to oppose or defeat, subject to the limit set forth
17 in section 68A.813.

18 Sec. 22. NEW SECTION. **68A.820 Electioneering communications**
19 **— disclosure — additional clean election campaign funding.**

20 1. A person who makes or obligates to make a disbursement to
21 purchase an electioneering communication shall file a report
22 with the board not later than forty-eight hours after making or
23 obligating to make the disbursement, containing the following
24 information:

25 *a.* The amount of the disbursement.

26 *b.* The name and address of the person making the
27 disbursement.

28 *c.* The purpose of the electioneering communication.

29 2. Upon receiving a report that an electioneering
30 communication has been made or obligated to be made, and
31 upon determination that the electioneering communication can
32 reasonably be interpreted as having the effect of promoting
33 the defeat of a participating candidate or the election
34 of that candidate's opponent, the board shall immediately
35 release to that candidate additional clean election campaign

1 funding, equal in amount to the cost of the electioneering
2 communication, subject to the limit set forth in section
3 68A.813.

4 Sec. 23. NEW SECTION. **68A.821 Voter information program.**

5 1. The board shall establish and administer a nonpartisan
6 voter information program, including an advisory council
7 consisting of representatives of nonprofit organizations,
8 political parties, the media, and interested citizens.

9 2. The voter information program advisory council may
10 establish a voter information program for the purpose of
11 providing voters with election-related information and
12 fostering political dialogue and debate.

13 3. The voter information program advisory council
14 shall organize the publication and distribution of a voter
15 information guide that includes important information about the
16 following issues:

17 a. Candidates appearing on the ballot, including
18 biographical material submitted by the candidates.

19 b. Whether candidates are funding their campaigns with
20 public money or private money.

21 c. Policy statements by the candidates or their political
22 parties on issues designated by the council and other issues.

23 d. Candidates' voting records.

24 Sec. 24. NEW SECTION. **68A.822 Debates.**

25 1. A nonpartisan organization that is involved in
26 providing information to the public concerning elections, or a
27 nonpartisan organization that has been involved in education
28 and the advocacy of open, clean election and campaign laws for
29 at least five years, may host and sponsor voter-owned Iowa
30 clean election candidate debates in contested primary and
31 general elections.

32 2. All participating candidates shall participate in the
33 debates and all nonparticipating candidates for the same office
34 whose names will appear on the ballot shall be invited to join
35 the debates.

1 Sec. 25. NEW SECTION. 68A.823 Voter-owned Iowa clean
2 elections fund (VOICE) — nature and purposes.

3 1. A voter-owned Iowa clean elections fund is established as
4 a separate fund within the office of the state treasurer, under
5 the control of the board, for the following purposes:

6 a. Providing public financing for the election campaigns of
7 certified participating candidates during primary election and
8 general election campaign periods.

9 b. Paying for the administrative and enforcement costs of
10 the board in relation to this subchapter.

11 2. The fund shall consist of moneys received pursuant to
12 section 68A.824. Notwithstanding section 8.33, unencumbered
13 or unobligated moneys and any interest earned on moneys in the
14 fund on June 30 of any fiscal year shall not revert to the
15 general fund of the state but shall remain in the fund and be
16 available for expenditure in subsequent years.

17 Sec. 26. NEW SECTION. 68A.824 Funding.

18 In addition to any moneys appropriated by the general
19 assembly to the voter-owned Iowa clean elections fund
20 established in section 68A.823, the following moneys shall be
21 deposited in the fund:

22 1. The qualifying contributions required of candidates
23 seeking to become certified as participating candidates
24 according to section 68A.802 or 68A.803 and candidates' excess
25 qualifying contributions.

26 2. Moneys deposited in the fund pursuant to section 68A.610
27 or section 556.18.

28 3. The excess seed money contributions of candidates
29 seeking to become certified as participating candidates.

30 4. Moneys distributed to any participating candidate
31 who does not remain a candidate until the primary or general
32 election for which they were distributed.

33 5. Civil penalties levied by the board against candidates
34 for violations of this subchapter.

35 6. Voluntary donations made directly to the fund.

1 7. Contributions received pursuant to section 68A.610.

2 8. Any other sources of revenue designated by the general
3 assembly.

4 Sec. 27. NEW SECTION. **68A.825 Powers and procedures.**

5 The board shall have the following powers and duties, in
6 addition to those granted in this chapter and chapter 68B, when
7 administering this subchapter:

8 1. After every primary and general election, the board
9 may conduct random audits and investigations to ensure
10 compliance with this subchapter. The subjects of such audits
11 and investigations shall be selected on the basis of impartial
12 criteria established by a vote of at least four members of the
13 board.

14 2. *a.* The board may investigate anonymous complaints.

15 *b.* The identity of a complainant may be kept confidential
16 if the complainant states in the complaint that revealing
17 the identity of the complainant could reasonably result in
18 disciplinary action or loss of employment.

19 3. The board may seek injunctions when all of the following
20 conditions are met:

21 *a.* There is a substantial likelihood that a violation of
22 this subchapter is occurring or is about to occur.

23 *b.* The failure to act expeditiously will result in
24 irreparable harm to a party affected by the violation or
25 potential violation.

26 *c.* Expeditious action will not cause undue harm or prejudice
27 to the interests of others.

28 *d.* The public interest would be best served by the issuance
29 of an injunction.

30 4. The board may levy civil penalties for violations of
31 this subchapter. Civil penalties shall be deposited in the
32 voter-owned Iowa clean elections fund.

33 5. The board shall refer criminal violations to the county
34 attorney or attorney general for prosecution.

35 6. The board may participate fully in any actions filed

1 under this section.

2 7. The board shall adopt rules pursuant to chapter 17A as
3 necessary to administer this subchapter.

4 Sec. 28. NEW SECTION. **68A.826 Civil actions.**

5 1. A citizen who believes a candidate has violated this
6 subchapter may pursue a civil action in a court of relevant
7 jurisdiction, provided that both of the following are true:

8 a. The citizen has previously filed a complaint with the
9 board regarding the same alleged violation.

10 b. The board has failed to make a determination within
11 thirty days of the filing of the complaint.

12 2. A complainant who prevails in a civil action charging
13 a violation of this subchapter shall be entitled to receive
14 reasonable attorney fees and court costs from the defendant.

15 3. If a court in which a civil action has been filed under
16 subsection 1 finds that the complaint in that action was
17 made frivolously or without cause, the court may require the
18 complainant to pay the costs of the board, the court, and the
19 defendant parties.

20 Sec. 29. NEW SECTION. **68A.827 Board reports.**

21 1. The board shall report to the general assembly after each
22 election cycle.

23 2. The report shall include a detailed summary of all
24 seed money contributions, qualifying contributions, and clean
25 election campaign funding benefits received, and expenditures
26 made, by all participating candidates. The report shall also
27 include a summary and evaluation of the board's activities and
28 recommendations relating to the implementation, administration,
29 and enforcement of this subchapter.

30 Sec. 30. NEW SECTION. **68A.828 Repayments of excess
31 expenditures.**

32 1. If a participating candidate spends or obligates to spend
33 more than the clean election campaign funding the candidate
34 receives, and if such is determined not to be an amount that
35 had or could have been expected to have a significant impact

1 on the outcome of the election, the candidate shall personally
2 repay to the voter-owned Iowa clean elections fund an amount
3 equal to the excess.

4 2. If a participating candidate spends or obligates to spend
5 more than the clean election campaign funding the candidate
6 receives, and if such is determined to be an amount that had or
7 could have been expected to have a significant impact on the
8 outcome of the election, the candidate shall personally repay
9 to the voter-owned Iowa clean elections fund an amount equal to
10 five times the value of the excess.

11 Sec. 31. NEW SECTION. **68A.829 Penalties.**

12 1. A candidate shall not knowingly accept more benefits than
13 those to which the candidate is entitled, spend more than the
14 amount of clean election campaign funding received, or misuse
15 such clean election campaign funding benefits or clean election
16 campaign funding.

17 2. If a violation of subsection 1 was intentional and
18 involved an amount that had or could have been expected to
19 have a significant impact on the outcome of the election, the
20 candidate commits an aggravated misdemeanor.

21 3. If it is determined that the violation of subsection
22 1 was intentional and involved an amount that had or could
23 have been expected to have a significant impact on the
24 outcome of the election, and if, in the judgment of the
25 board, the violation is believed to have contributed to the
26 violator winning the election, the board may recommend to
27 the appropriate authority that proceedings be commenced to
28 remove the violator from office or to impeach the violator if
29 applicable.

30 4. A person shall not provide false information to the board
31 or conceal or withhold information from the board. A violation
32 of this subsection is an aggravated misdemeanor.

33 Sec. 32. NEW SECTION. **68A.830 Local provision.**

34 Each city council, school board, and county board of
35 supervisors shall have the authority to adopt and fund a

1 voter-owned Iowa clean elections fund, consistent with this
2 section, for local government elections.

3 Sec. 33. Section 422.7, Code 2011, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 54. Subtract, to the extent not otherwise
6 excluded, up to two hundred dollars of the amount contributed
7 to the voter-owned Iowa clean elections fund pursuant to
8 section 68A.824, subsection 6.

9 Sec. 34. Section 422.12E, subsection 1, Code 2011, is
10 amended to read as follows:

11 1. For tax years beginning on or after January 1, 2004,
12 there shall be allowed no more than four income tax return
13 checkoffs on each income tax return. When the same four income
14 tax return checkoffs have been provided on the income tax
15 return for two consecutive years, the two checkoffs for which
16 the least amount has been contributed, in the aggregate for the
17 first tax year and through March 15 of the second tax year, are
18 repealed. This section does not apply to the income tax return
19 ~~checkoff~~ checkoffs provided in ~~section~~ sections 68A.601 and
20 68A.610.

21 Sec. 35. NEW SECTION. 422.12I **Income tax checkoff for**
22 **voter-owned Iowa clean elections fund.**

23 A person who files an individual or a joint income tax
24 return with the department of revenue under section 422.13
25 may designate a contribution to the voter-owned Iowa clean
26 elections fund authorized pursuant to section 68A.610.

27 Sec. 36. Section 556.18, subsection 2, Code 2011, is amended
28 by adding the following new paragraph:

29 NEW PARAGRAPH. e. Ten million dollars to be deposited
30 in the voter-owned Iowa clean elections fund established in
31 section 68A.823.

32 Sec. 37. Section 556.18, subsection 3, Code 2011, is amended
33 to read as follows:

34 3. The treasurer of state shall annually credit all moneys
35 received under section 556.4 to the general fund of the state.

1 New Code section 68A.806 prohibits a participating candidate
2 from accepting private funding during the primary and general
3 election campaign periods other than certain permitted party
4 funding. Contributions in the name of another person are
5 prohibited and subject to payment to the board as are any
6 applicable penalties. The use of personal funds for seed money
7 or as qualifying contributions is limited by new Code section
8 68A.809. Contributions to nonparticipating candidates are
9 limited in new Code section 68A.807.

10 New Code section 68A.807 establishes contribution limits for
11 those candidates who do not choose to participate in the public
12 financing process.

13 New Code section 68A.808 limits political party
14 contributions and expenditures on behalf of candidates.

15 New Code section 68A.810 details the collection of private
16 contributions for use as seed money, limited to \$100 per
17 individual contributor, and also limited in the aggregate in
18 differing amounts for candidates for governor and lieutenant
19 governor, for other statewide candidates, for Iowa senate
20 candidates, and for Iowa house of representatives candidates.
21 Seed money expenditures are limited to the clean election
22 campaign qualifying period and seed money contributions and
23 expenditures must be fully disclosed at the end of the public
24 financing qualifying period.

25 New Code section 68A.812 provides for a certification
26 process after a candidate applies for public financing campaign
27 funding benefits and requires repayment of funds if eligibility
28 is revoked. The bill provides for audit and judicial review
29 of the certification decision.

30 New Code section 68A.813 provides certain benefits for
31 participating candidates, including specified amounts of
32 public funding pursuant to new Code section 68A.815, mandatory
33 participation in debates pursuant to new Code sections 68A.811
34 and 68A.822, and additional limited public funding to respond
35 to certain excess expenditures by nonparticipating candidates,

1 independent expenditures, and electioneering communications
2 expenditures. Any candidate who accepts benefits during the
3 primary campaign must continue to comply with the requirements
4 of the public financing program, even if the candidate stops
5 accepting benefits of the program at any point during the
6 primary or general election according to new Code section
7 68A.805.

8 New Code section 68A.814 provides for a schedule of
9 payments to participating candidates, and new Code section
10 68A.815 specifies differing total amounts for primary and
11 general elections for candidates for governor and lieutenant
12 governor, for other statewide candidates, for Iowa senate
13 candidates, and for Iowa house of representatives candidates.
14 Alternate amounts are provided for uncontested races. Clean
15 election campaign funding payments must be used only for
16 campaign-related expenses, and cannot be used for payments
17 in violation of law or to repay personal or business loans,
18 expenditures, or debts, pursuant to new Code section 68A.816.

19 Nonparticipating candidates must disclose within 48 hours
20 every expenditure in excess of the public financing funding
21 allocated to the candidate's participating opponent, that in
22 the aggregate is more than \$1,000, pursuant to new Code section
23 68A.817. Certain other reporting requirements apply during the
24 last 20 days of a campaign.

25 All candidates must include a statement with all
26 advertisements indicating that the candidate has approved of
27 the contents of the advertisement pursuant to new Code section
28 68A.818.

29 Persons making certain independent expenditures must
30 report such expenditures to the board, along with an affidavit
31 affirming that the expenditure has not been coordinated with
32 the candidate or party, pursuant to new Code section 68A.819.
33 Alleged violations of the coordination affirmation are subject
34 to an expedited hearing procedure.

35 Persons making certain electioneering communications must

1 also report to the board pursuant to new Code section 68A.820.

2 New Code section 68A.821 provides that the board shall
3 administer a voter information program, including establishment
4 of an advisory council, to provide voters with election-related
5 information, including a voter guide with candidate
6 biographical material, policy statements, voting records, and
7 whether the candidate funds the campaign with public or private
8 money.

9 New Code section 68A.825 provides the board with certain
10 specific enforcement powers and duties in relation to the
11 new subchapter, and new Code section 68A.827 provides for an
12 election cycle report to the general assembly on the public
13 funding program.

14 New Code section 68A.826 creates a civil right of action for
15 citizens alleging that a candidate has violated the law.

16 Violations of the public funding program are subject
17 to aggravated misdemeanor penalties, pursuant to new Code
18 section 68A.829. An aggravated misdemeanor is punishable
19 by confinement for not more than two years and a fine of at
20 least \$625 but not more than \$6,250. New Code section 68A.828
21 provides for repayment of certain excess expenditures by the
22 candidate.

23 New Code sections 68A.610 and 422.12I create an income tax
24 checkoff for the voter-owned Iowa clean elections fund. This
25 checkoff allows a person to direct that \$5 of that person's
26 state income tax liability be paid over to the Iowa voter-owned
27 clean elections fund.

28 Code section 422.7, new subsection 54, is amended to
29 provide up to a \$200 exemption from income for purposes of the
30 individual income tax for contributions to the Iowa voter-owned
31 clean elections fund.

32 Code section 556.18 is amended to provide that \$10 million
33 shall be annually transferred from the proceeds from the sale
34 of lost or unclaimed property to the voter-owner Iowa clean
35 elections fund.

1 The sections of the bill enacting the income tax checkoff
2 and the transfer in Code section 556.18 take effect January
3 1, 2012. The remainder of the bill takes effect November 14,
4 2014, which is the day after general election day, to allow the
5 new system to commence with a new campaign cycle. New Code
6 section 68A.804 provides guidelines for dealing with money
7 collected by candidates prior to the effective date of the
8 public financing program.

9 The bill may include a state mandate as defined in Code
10 section 25B.3. The bill makes inapplicable Code section 25B.2,
11 subsection 3, which would relieve a political subdivision from
12 complying with a state mandate if funding for the cost of
13 the state mandate is not provided or specified. Therefore,
14 political subdivisions are required to comply with any state
15 mandate included in the bill.